

August 25, 2004
USSN. 09/913,317
Examiner: PARSLEY, DAVID J
Group A.U.: 3643

Remarks

The applicant, in addition to requesting reconsideration of all of the claims 43-80, still draws the Examiner's attention to new claims 81-83 which were filed with the filing of the continuation in part and wherein independent claim 81 discloses a different embodiment of the method according to the present invention. Such claims 81-83 had not been apparently considered by the Examiner in the last Office Action.

Such different embodiment has the peculiar feature that the seeding bed is first of all prepared and then is pressed so as to obtain sods and only at this time the seeds are inserted in the sods.

This solves the problem of having to press a seeding bed that already contains the seeds, with the drawback that the seeds are also subjected to the pressing action, with the consequence that the seeds may change their position inside the sod or even fall outside the sod.

The new independent claim 81 is believed to be both new and unobvious also over the newly cited prior art document (Rack).

As to pending claims 43 and 62, as well as 44 and 63-64, the applicant has amended them in order to overcome the Examiner's rejections under 35 U.S.C. 112.

Claim 43, as currently amended, is believed to be inventive over the combination of Gaughen and Rack since Rack does not disclose laying an adhesive layer on the outer surface of the sod.

In fact, Rack discloses (see column 3, lines 34-51) preparing a substrate wherein a bonding agent is used to keep the particulate material together, i.e. to build the substrate.

The seeds are not provided inside the substrate and the bonding agent has the only

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purpose of keeping the substrate (without seeds) compact.

When seeds are desired, they can be placed on the surface of the substrate (thus not in the substrate, but only on the surface thereof) and a retaining layer is used to keep them on the surface of the substrate.

Thus, two distinct bonding agents have to be used: one for keeping the substrate together, and one to keep the seeds on the surface thereof.

On the contrary, in the applicant's invention, only one adhesive agent is employed to keep the sod together, with the sod that contains the seeds.

Still further, as illustrated in figure 5, the layer S, which is the layer that is used when pieces of sod are desired, is a layer of synthetic foam or other porous material and is arranged on the surface of the sod that comes in contact with the soil, and not on the entire outer surface of the sod, as claimed in the applicant's claimed invention.

In both cases, Rack does not teach to use a layer of adhesive, arranged on the entire outer surface of the sod, wherein seeds are present inside the sod.

Thus, it is believed that claim 43 should be considered unobvious over the prior art.

As to the term "cohesion treatment", it is to be observed that such term refers to the treatment made by applying the adhesive layer and such treatment has the effect of making the sod "not brittle".

Thus, it is believed that such term is clearly defined in claims 43 and 62, since when the type of cohesion treatment is defined also the effect thereof becomes clear.

In any case, the applicant, if the Examiner wishes, can without any problem cancel the wording "whereby the resulting sod is not brittle".

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The application should now be in an allowable condition and allowance thereof is respectfully requested.

It will be noted that a sincere effort has been made to positively respond to all of the points raised by the Examiner.

While it is believed that the amended claims properly define the present invention, applicant would be open to any suggestion the Examiner may have concerning different claim phraseology which, in the Examiner's opinion, more accurately defines the present invention.

Respectfully submitted,



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